

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.29443 of 1995

Dated:04.04.2006

Between:

Gampa Muthi Reddy, S/o.Rami Reddy.

..... PETITIONER

AND

The Mandal Revenue Officer, Dummugudem Mandal, Khammam
District, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.29443 of 1995

ORDER:

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The petitioner filed a claim petition before the Settlement Officer, Rajahmundry, for grant of ryotwari patta under the Andhra Pradesh (Scheduled Areas Ryotwari Settlement) Regulation, 1970 (Regulation II of 1970, for brevity) in respect of the land admeasuring Acs.1.92 hectares in Survey No.23/3 situated at Whitenagaram Village, Dummugudem Mandal, Khamman District. The same was rejected on 24.06.1976 on the ground that the petitioner was not in possession of the land for a period of eight years prior to 01.07.1971. Aggrieved by the same, the petitioner filed an appeal under subsection (3) of Section 9 of Regulation II of 1970 with a huge delay of eight years ten months three days. After verifying the records and noticing the fact that the copy of the order was served by the Settlement Officer on the appellant on 08.09.1976 itself, the appellate authority, the fourth respondent herein, rejected the appeal as time barred. Aggrieved by the same, the petitioner preferred an appeal on 13.05.1987. By order, dated 03.06.1987, the fifth respondent rejected the prayer for stay and posted the matter to 23.06.1987. Though the said order was passed in June 1987, curiously, this writ petition is filed on 22.12.1995, after lapse of eight years.

Insofar as the action of the fourth respondent in rejecting the appeal as time barred is concerned, the same cannot be faulted. Be that as it is, even when the fifth respondent rejected the prayer for stay on 03.06.1987, the writ petition is filed after lapse of eight years. For this reason, the Writ Petition is liable to be dismissed. Secondly, it is brought to the notice of this Court that the main appeal itself is dismissed by the fifth respondent. Therefore, nothing survives in this writ petition.

The Writ Petition is accordingly, dismissed. No costs.

04.04.2006
vs

(V.V.S.RAO, J)